

CONSOLIDATED CHECKLIST C2

Identification and Listing of Hazardous Waste
40 CFR Part 261 as of June 30, 1997
as published in the July 1, 1997 CFR

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
SUBPART A - GENERAL							
PURPOSE AND SCOPE							
identification of wastes regulated under 262-265, 268, 270, 271, 124 and subject to notification	*,34	261.1(a)					
Subpart A's purpose	*,23,34	261.1(a)(1)					
Subpart B's purpose	*	261.1(a)(2)					
Subpart C's purpose	*	261.1(a)(3)					
Subpart D's purpose	*	261.1(a)(4)					
solid waste definition applies only to waste also hazardous for purpose of implementing Subtitle C	13	261.1(b)(1)					
identification of only some of the materials that are solid hazardous wastes	*,13	261.1(b)(2)					
conditions under which a waste is still a solid/ hazardous waste	*,13	261.1(b)(2)(i)&(ii)					
definitions	13	261.1(c)					
"spent material"	13	261.1(c)(1)					
"sludge"	13	261.1(c)(2)					
"by-product"	13	261.1(c)(3)					
"reclaimed"	13	261.1(c)(4)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
		261.1(c)(5)					
		261.1(c)(5)(i)					
"used or reused"	13	261.1(c)(5)(ii)					
"scrap metal"	13	261.1(c)(6)					
"recycled"	13	261.1(c)(7)					
"accumulated speculatively"	13	261.1(c)(8)					
† "excluded scrap metal"	157	261.1(c)(9)					
† "processed scrap metal"	157	261.1(c)(10)					
† "home scrap metal"	157	261.1(c)(11)					
† "prompt scrap metal"	157	261.1(c)(12)					
1 DEFINITION OF SOLID WASTE							
discarded/not excluded	13	261.2(a)(1)					
"discarded material" is:	13	261.2(a)(2)					
abandoned	13	261.2(a)(2)(i)					
recycled	13	261.2(a)(2)(ii)					
inherently wastelike	13, 156	261.2(a)(2)(iii)					
military munition identified as solid waste in § 266.202	156	261.2(a)(2)(iv)					
"abandoned" means:	13	261.2(b)					
disposed of	13	261.2(b)(1)					
burned/incinerated	13	261.2(b)(2)					
accumulated, stored, or treated in lieu of disposal	13	261.2(b)(3)					
materials are solid wastes when recycled	13,†157	261.2(c)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
used in a manner constituting disposal	13	261.2(c)(1)					
		261.2(c)(1)(i)					
		261.2(c)(1)(i) (A)&(B)					
		261.2(c)(1)(ii)					
burning for energy recovery	13	261.2(c)(2)					
		261.2(c)(2)(i)					
		261.2(c)(2)(i) (A)&(B)					
		261.2(c)(2)(ii)					
reclaimed	13	261.2(c)(3)					
accumulated speculatively	13	261.2(c)(4)					
inherently wastelike	13	261.2(d)					
F020, F021, F022, F023, F026, & F028	13	261.2(d)(1)					
2 secondary materials fed to a halogen acid furnace that exhibit a characteristic or are a listed waste, except for brominated material that meets certain criteria	85,96	261.2(d)(2)					
material must contain a bromine concentration of at least 45%	96	261.2(d)(2)(i)					
material must contain less than a total of 1% of toxic organic compounds listed in Appendix VIII	96	261.2(d)(2)(ii)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
material is processed continually on-site in the halogen acid furnace via direct conveyance	96	261.2(d)(2)(iii)					
3		261.2(d)(3)					
		261.2(d)(3)(i)(A)&(B)					
	13,85	261.2(d)(3)(ii)					
criteria Administrator will use to add to list							

† Materials That Are Not Solid Waste When Recycled

criteria for showing materials are not solid wastes when recycled	13	261.2(e)(1)					
		261.2(e)(1)(i)					
		261.2(e)(1)(ii)					
	13,†137	261.2(e)(1)(iii)					
materials that are solid wastes even when recycling involves use, reuse, or return to original process	13	261.2(e)(2)					
		261.2(e)(2)(i)					
		261.2(e)(2)(ii)					
		261.2(e)(2)(iii)					
	13,111	261.2(e)(2)(iv)					

documentation of claims for not solid waste or conditionally exempt from regulation	13	261.2(f)					
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4 DEFINITION OF HAZARDOUS WASTE

solid waste is hazardous if:	I A, †117 A	261.3(a)					
not excluded by 261.4(b)	I A, †117 A	261.3(a)(1)					
criteria to be met	I A, †117 A	261.3(a)(2)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
exhibits characteristic of Subpart C; exception for specific waste mixtures	I A, 65, †117 A, 117 B	261.3(a)(2)(i)					
is listed in Subpart D	I A, †117 A	261.3(a)(2)(ii)					
mixture of solid waste and a Subpart D hazardous waste; exceptions; Part 268 requirements for nonwastewater mixtures not exhibiting a characteristic at point of land disposal	I A, 65, 109, †117 A	261.3(a)(2)(iii)					
mixture exemptions	I A, †117 A	261.3(a)(2)(iv)					
		261.3(a)(2)(iv)(A)					
		261.3(a)(2)(iv)(B)					
		261.3(a)(2)(iv)(C)					
		261.3(a)(2)(iv)(D)					
	I A, †117 A, †140	261.3(a)(2)(iv)(E)					
	†140	261.3(a)(2)(iv)(F)					
		261.3(a)(2)(iv)(G)					
rebuttable presumption for used oil containing >1000 ppm total halogens; exceptions	112	261.3(a)(2)(v)					
		261.3(a)(2)(v)(A)					
		261.3(a)(2)(v)(B)					
specific events under which a solid waste becomes hazardous	I A, †117 A	261.3(b)					
Subpart D wastes, when first meet listing description	I A, †117 A	261.3(b)(1)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
mixture, when hazardous waste added	I A, †117 A	261.3(b)(2)					
when exhibits Subpart C characteristics	I A, †117 A	261.3(b)(3)					
unless and until waste meets paragraph (d) criteria:	I A, †117 A	261.3(c)					
remains a hazardous waste	I A, †117 A	261.3(c)(1)					
derived from a hazardous waste	I A,†8, †13, †117 A	261.3(c)(2)(i)					
† exemptions:	8,†117 A	261.3(c)(2)(ii)					
† waste pickle liquor sludge	8,†117 A	261.3(c)(2)(ii)(A)					
5,6 wastes from burning material exempted at 261.6(a)(3)(iv) through (vi)	19,94, †117 A, †135	261.3(c)(2)(ii)(B)					
†,7 certain nonwastewater residues resulting from high temperature metals recovery processing of K061, K062 or F006 waste; generic exclusion levels; testing requirements; burden of proof for persons claiming this exclusion in an enforcement action; two tables showing generic exclusion levels	95,109, †117 A	261.3(c)(2)(ii)(C)(I)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
†,7 one-time notification and certification for K061, K062 or F006 HTMR residues, which meet generic exclusion levels and exhibit no characteristics, that are sent to Subtitle D units; update of notification and certification; annual EPA/State notification; deadline for submission to EPA/State; what the notification must include; certification signed by authorized representative and what it must state	95,109, †117 A	261.3(c)(2)(ii)(C)(2)					
† biological treatment sludge from the treatment of one of the wastes listed in 261.32--organic waste from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K156), and wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K157)	140	261.3(c)(2)(ii)(D)					
solid waste not hazardous if it meets criteria:	I A, †117 A	261.3(d)					
wastes not exhibiting characteristics; 268 requirements for wastes not exhibiting a characteristic at point of generation	I A,83, †117 A	261.3(d)(1)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
excluded under 260.20 and 260.22	I A, †117 A	261.3(d)(2)					
8 reserved	117 A	261.3(e)					
debris that is excluded from regulation provided it meets specified criteria:	109	261.3(f)					
Part 268-defined hazardous debris treated using a specified 268.45, Table 1, extraction or destruction technology; burden of proof on claimant in an enforcement action	109	261.3(f)(1)					
Part 268-defined debris determined by Regional Administrator to no longer be contaminated with hazardous waste	109	261.3(f)(2)					
EXCLUSIONS							
materials which are not solid wastes:	I A	261.4(a)					
domestic sewage	I A	261.4(a)(1)(i)					
domestic sewage mixture	I A	261.4(a)(1)(ii)					
industrial wastewater discharges	I A	261.4(a)(2)					
irrigation return flows	I A	261.4(a)(3)					
nuclear materials as defined by the Atomic Energy Act, 1954	I A	261.4(a)(4)					
in-situ mining	I A	261.4(a)(5)					
† pulping liquors	13	261.4(a)(6)					
† spent sulfuric acid	13	261.4(a)(7)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
reclaimed secondary materials returned to original process generating them	28	261.4(a)(8)					
		261.4(a)(8)(i)					
		261.4(a)(8)(ii)					
		261.4(a)(8)(iii)					
		261.4(a)(8)(iv)					
†,9 spent wood preserving solutions and wastewaters from the wood preserving process that have been reclaimed and reused for their original intended purpose	82,92	261.4(a)(9)(i)					
	92	261.4(a)(9)(ii)					
† K060, K087, K141, K142, K143, K144, K145, K147, K148 and any wastes from coke by-products that are hazardous only because they exhibit the Toxicity Characteristic when recycled as specified; exclusion is conditioned on there being no land disposal of the wastes from point of generation to recycling point	85,105, 110	261.4(a)(10)					
† nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums and not land disposed before recovery	95	261.4(a)(11)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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† recovered oil from petroleum refining, exploration and production, and from transportation incident thereto, which is inserted in the petroleum refining process; applies to recovered oil stored or transported prior to insertion; definition of recovered oil; what "recovered oil" does not include	135,†150	261.4(a)(12)					
† excluded scrap metal being recycled	157	261.4(a)(13)					
† shredded circuit boards being recycled provided that they are:	157	261.4(a)(14)					
† stored in containers sufficient to prevent release, and	157	261.4(a)(14)(i)					
† free of mercury switches, mercury relays and nickel cadmium batteries and lithium batteries	157	261.4(a)(14)(ii)					
solid wastes which are not hazardous wastes	I A	261.4(b)					
household waste	I A, †9, †17 C	261.4(b)(1)					
		261.4(b)(1)(i)					
		261.4(b)(1)(i) (A)&(B)					
		261.4(b)(1)(ii)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
crop and animal waste returned to soil as fertilizers	I A	261.4(b)(2)					
		261.4(b)(2)(i)					
		261.4(b)(2)(ii)					
mining overburden	I A	261.4(b)(3)					
ash waste	I A,85	261.4(b)(4)					
drilling fluids	I A	261.4(b)(5)					
waste failing Toxicity Characteristic test because of chromium	I A,74	261.4(b)(6)(i)					
specific provisions for exemption	I A	261.4(b)(6)(i)(A)					
		261.4(b)(6)(i)(B)					
		261.4(b)(6)(i)(C)					
10	I A,108	261.4(b)(6)(ii)					
		261.4(b)(6)(ii)(A)					
		261.4(b)(6)(ii)(B)					
		261.4(b)(6)(ii)(C)					
		261.4(b)(6)(ii)(D)					
		261.4(b)(6)(ii)(E)					
		261.4(b)(6)(ii)(F)					
		261.4(b)(6)(ii)(G)					
		261.4(b)(6)(ii)(H)					
	I A						
specific wastes meeting 261.4(b)(6)(i)(A), (B)&(C) standards							
ore processing waste	I A,53,65, 71,85,90	261.4(b)(7)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
11	53,65,71	261.4(b)(7)(i)					
		261.4(b)(7)(ii)					
	53,71	261.4(b)(7)(iii)					
		261.4(b)(7)(iv)					
		261.4(b)(7)(v)					
	71	261.4(b)(7)(vi)					
		261.4(b)(7)(vii)					
		261.4(b)(7)(viii)					
		261.4(b)(7)(ix)					
		261.4(b)(7)(x)					
		261.4(b)(7)(xi)					
		261.4(b)(7)(xii)					
		261.4(b)(7)(xiii)					
		261.4(b)(7)(xiv)					
		261.4(b)(7)(xv)					
		261.4(b)(7)(xvi)					
		261.4(b)(7)(xvii)					
		261.4(b)(7)(xviii)					
		261.4(b)(7)(xix)					
		261.4(b)(7)(xx)					
specific solid wastes from the processing of ores and minerals							
cement kiln dust waste	I A,85	261.4(b)(8)					
discarded arsenical- treated wood meeting certain criteria	I A, 74,108	261.4(b)(9)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
petroleum-contaminated media and debris that fail the 261.24 Toxicity Characteristic test (D018 through D043 only) and are subject to Part 280 corrective action	74	261.4(b)(10)					

† Hydrocarbon Recovery Operations Exclusion

12	until January 25, 1993, exclusion for injected groundwater exhibiting the 261.24 Toxicity Characteristic that is infiltrated or reinjected pursuant to specified hydrocarbon recovery operations existing on or before March 25, 1991; extension only until six months after final rule publication for groundwater returned through infiltration galleries; conditions for new operations involving injection to qualify for date extension:	80	261.4(b)(11)				
	operations are performed pursuant to a written State agreement that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed	80	261.4(b)(11)(i)				
13	copy of written agreement has been submitted	80	261.4(b)(11)(ii)				

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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† used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, provided the refrigerant is reclaimed for further use	84	261.4(b)(12)					
†, non-terne plated used oil 14 filters not mixed with wastes listed in Part 261, Subpart D if oil filters have been gravity hot-drained using one of the following methods:	104,107, 122	261.4(b)(13)					
†, puncturing the filter anti- 14 drainback valve of the filter dome end and hot-draining	104,122	261.4(b)(13)(i)					
†, hot-draining and crushing	104,122	261.4(b)(13)(ii)					
†, dismantling and hot- 14 draining	104,122	261.4(b)(13)(iii)					
†, any other equivalent hot- 14 draining method which will remove used oil	104,122	261.4(b)(13)(iv)					
† used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products	122	261.4(b)(14)					
exempt hazardous waste	I A,34	261.4(c)					
sample exemption	I A,34	261.4(d)(1)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
criteria	I A	261.4(d)(1)(i)					
		261.4(d)(1)(ii)					
		261.4(d)(1)(iii)					
		261.4(d)(1)(iv)					
		261.4(d)(1)(v)					
		261.4(d)(1)(vi)					
criteria for sample collector & laboratory, to qualify for exemption	I A	261.4(d)(2)					
		261.4(d)(2)(i)					
		261.4(d)(2)(ii)					
		261.4(d)(2)(ii)(A)					
		261.4(d)(2)(ii)(A) (I)-(5)					
		261.4(d)(2)(ii)(B)					
when exemption does not apply	I A	261.4(d)(3)					

† Treatability Study Samples

regulation of treatability study samples and relation to quantity determination of 261.5 and 262.34(d)	49	261.4(e)(1)					
collection and preparation of sample for transport	49	261.4(e)(1)(i)					
accumulation of storage of sample prior to transport	49	261.4(e)(1)(ii)					
transport of sample to laboratory or testing facility	49	261.4(e)(1)(iii)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
applicability of provisions for exemption under 261.4(e)(1)	49	261.4(e)(2)					
sample size limit by hazardous waste type for sample collector	49,129	261.4(e)(2)(i)					
weight limit for each sample shipment	49,129	261.4(e)(2)(ii)					
packaging requirements for sample	49	261.4(e)(2)(iii)					
compliance with U.S. DOT, USPS or other transport	49	261.4(e)(2)(iii)(A)					
information required if DOT, USPS, or other does not apply to shipment	49	261.4(e)(2)(iii)(B), (B)(I)-(5)					
laboratory or testing facility requirements	49	261.4(e)(2)(iv)					
3-year maintenance of specified records	49	261.4(e)(2)(v)					
records which must be maintained	49	261.4(e)(2)(v)(A)-(C)					
biennial report requirements	49	261.4(e)(2)(vi)					
15 granting of requests for additional two years for treatability studies involving bioremediation; quantity limitations	49,129	261.4(e)(3)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
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15, in response to requests 16 for authorization to ship, store and conduct treatability studies on additional quantities in advance of commencing treatability studies; factors to be considered when granting requests	129	261.4(e)(3)(i)					
15 factors to consider when granting requests for additional quantities after initiation or completion of initial treatability studies	49,129	261.4(e)(3)(ii)					
15 what the additional quantities are subject to; application procedures	49,129	261.4(e)(3)(iii)					
15, reason for request and 17 additional time or quantity needed	49,129	261.4(e)(3)(iii)(A)					
15 required documentation	49,129	261.4(e)(3)(iii)(B)					
15 description of technical modifications	49,129	261.4(e)(3)(iii)(C)					
15 equipment and mechanical failure information	49,129	261.4(e)(3)(iii)(D)					
15 other information	49,129	261.4(e)(3)(iii)(E)					
† Samples Undergoing Treatability Studies at Laboratories and Testing Facilities							
requirements for samples undergoing treatability studies at labs and testing facilities	49	261.4(f)					
notification requirements	49	261.4(f)(1)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
EPA identification number of laboratory or testing facility	49	261.4(f)(2)					
single day quantity restrictions on initiation of treatment studies	49,129	261.4(f)(3)					
limitations on storage of treatability study samples; exclusion of added treatment materials	49,129	261.4(f)(4)					
18 removed	49,129	261.4(f)(4)(i)					
19 text moved to 261.4(f)(4)	49,129	261.4(f)(4)(ii)					
90-day/1 year limitations on duration of exemption; 2-year limitation for treatability studies involving bioremediation; up to 500 kg treated material may be archived for up to 5 years	49,129	261.4(f)(5)					
land placement and open burning of study samples not allowed	49	261.4(f)(6)					
3-year maintenance of treatability study records	49	261.4(f)(7)					
specific information needed for each treatability study	49	261.4(f)(7)(i)-(vii)					
3-year maintenance of shipping records and treatability study contract	49	261.4(f)(8)					
laboratory or treatability study facility annual report requirement	49	261.4(f)(9)					
required annual report information	49	261.4(f)(9)(i)-(vii)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
hazardous waste determination for unused samples by facility	49	261.4(f)(10)					
notification when facility discontinues treatability studies	49	261.4(f)(11)					

**SPECIAL REQUIREMENTS FOR HAZARDOUS WASTE GENERATED BY CONDITIONALLY EXEMPT
SMALL QUANTITY GENERATORS**

definition of a conditionally exempt small quantity generator	I A,23	261.5(a)					
exceptions to CESQG regulatory exemption	I A,17 A, 19,23,34	261.5(b)					
when making 261.5 and Part 262 quantity determinations, generator must include all hazardous waste except:	I A,†13, 23,34, †142 A	261.5(c)					
† hazardous waste exempt from regulation under 261.4(c)-(f), 261.6(a)(3), 261.7(a)(1) or 261.8; or	142 A	261.5(c)(1)					
† hazardous waste managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in 260.10; or	142 A	261.5(c)(2)					
† hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to 261.6(c)(2) regulation; or	142 A	261.5(c)(3)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
† hazardous waste that is used oil managed under 261.6(a)(4) and Part 279; or	142 A	261.5(c)(4)					
† hazardous waste that is spent lead-acid batteries managed under Part 266, Subpart G; or	142 A	261.5(c)(5)					
† hazardous waste that is universal waste managed under 261.9 and Part 273	142 A	261.5(c)(6)					
quantity exclusions	I A,23	261.5(d)					
		261.5(d)(1)					
		261.5(d)(2)					
		261.5(d)(3)					
acute hazardous quantity limitations	I A,23,34, 47	261.5(e)					
1 kg acute hazardous waste listed in 261.31, 261.32 or 261.33(e)	I A,14,23	261.5(e)(1)					
100 kg of spill debris resulting from a spill of acute hazardous waste	I A,14,23	261.5(e)(2)					
requirements for exclusion of acute hazardous waste:	I A, †17 A,23	261.5(f)					
Section 262.11	23	261.5(f)(1)					
accumulation on-site	I A,23,34, 47	261.5(f)(2)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
20,21	23,31	261.5(f)(3)					
	23,31	261.5(f)(3)(i)					
	23,31	261.5(f)(3)(ii)					
	23,31	261.5(f)(3)(iii)					
	23,31,153	261.5(f)(3)(iv)					
	153	261.5(f)(3)(v)					
	23,31,153	261.5(f)(3)(vi)					
	23,31,153	261.5(f)(3)(vi)(A)					
	23,31, †142 A, 153	261.5(f)(3)(vi)(B)					
	†142 A, 153	261.5(f)(3)(vii)					
treatment/disposal							
generator requirements for hazardous waste to be conditionally exempt:	I A, †17 A,23	261.5(g)					
Section 262.11	I A	261.5(g)(1)					
accumulation on-site	I A,23,34	261.5(g)(2)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
20,21	I A,23,31	261.5(g)(3)					
	I A,23,31	261.5(g)(3)(i)					
	I A,23,31	261.5(g)(3)(ii)					
	I A,23,31	261.5(g)(3)(iii)					
	I A,23,31, 153	261.5(g)(3)(iv)					
	153	261.5(g)(3)(v)					
	I A,23,31, 153	261.5(g)(3)(vi)					
	I A,23,31, 153	261.5(g)(3)(vi)(A)					
	I A,23,31 †142 A, 153	261.5(g)(3)(vi)(B)					
	†142 A, 153	261.5(g)(3)(vii)					
treatment/disposal							
mixing with non- hazardous waste	I A, †17 A,23	261.5(h)					
mixtures exceeding exclusion level	I A, †17 A,23	261.5(i)					
mixtures with used oil subject to part 279 requirements	I A, †17 A,23, 112,122	261.5(j)					
removed	19,23	261.5(k)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
REQUIREMENTS FOR RECYCLABLE MATERIALS							
requirements recycled hazardous waste is subject to	I A,13	261.6(a)(1)					
regulation under Part 266	I A,13,94	261.6(a)(2)					
	13	261.6(a)(2)(i)					
	13,94	261.6(a)(2)(ii)					
	13,17 J, 19,112	261.6(a)(2)(iii)					
	13,112	261.6(a)(2)(iv)					
	recyclable materials which are exempt from rule	I A,13,34	261.6(a)(3)				
13,31		261.6(a)(3)(i)					
31		261.6(a)(3)(i)(A)					
		261.6(a)(3)(i)(B)					
13,112, †142 B, †157		261.6(a)(3)(ii)					
13,112, †142 B		261.6(a)(3)(iii)					
		261.6(a)(3)(iv)(A)					
		261.6(a)(3)(iv)(B)					
		261.6(a)(3)(iv)(C)					
†19,85, 112,†135, †142 B		261.6(a)(3)(v)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
used oil that is recycled and is hazardous waste solely because it exhibits a characteristic is not subject to Parts 260-268 but is regulated under Part 279; definition of used oil that is recycled	112	261.6(a)(4)					
† hazardous waste exported to or imported from designated member countries of OECD for recovery is subject to 40 CFR part 262 subpart H, if subject to either manifesting requirements in part 262, universal waste management standards in part 273 or State requirements analogous to part 273	152	261.6(a)(5)					
generator and transporter requirements	I A,13	261.6(b)					
recycling facility requirements	13,34,79,154	261.6(c)(1)					
	13	261.6(c)(2)					
		261.6(c)(2)(i)					
		261.6(c)(2)(ii)					
	79	261.6(c)(2)(iii)					
owners or operators of RCRA facilities are subject to Subparts AA and BB of Part 264 or 265 if they recycle hazardous wastes	79	261.6(d)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:				
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE	
RESIDUES OF HAZARDOUS WASTE IN EMPTY CONTAINERS								
waste remaining in container	I A,34	261.7(a)(1)						
container not empty	I A,34	261.7(a)(2)						
	I A,14	261.7(b)(1)						
		261.7(b)(1)(i)						
		261.7(b)(1)(ii)						
		261.7(b)(1)(iii)(A)						
		261.7(b)(1)(iii)(B)						
definition of empty	I A							
definition of empty for compressed gas	I A	261.7(b)(2)						
definition of empty for acute hazardous wastes listed in 261.31, 261.32 or 261.33(e)	I A,14	261.7(b)(3)						
		261.7(b)(3)(i)						
		261.7(b)(3)(ii)						
		261.7(b)(3)(iii)						
	I A							
PCB WASTES REGULATED UNDER TOXIC SUBSTANCE CONTROL ACT								
exemption for certain PCB-containing wastes	74	261.8						
REQUIREMENTS FOR UNIVERSAL WASTE								
wastes listed in 261.9 are exempt from regulation under Parts 262 through 270, except as specified in Part 273; wastes regulated under Part 273	142 A	261.9 intro						
batteries as described in 273.2	142 B	261.9(a)						
pesticides as described in 273.3	142 C	261.9(b)						
thermostats as described in 273.4	142 D	261.9(c)						

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

†,25 SUBPART B - CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE AND
FOR LISTING HAZARDOUS WASTE

CRITERIA FOR IDENTIFYING THE CHARACTERISTICS OF HAZARDOUS WASTE

Administrator shall identify and define a characteristic of hazardous waste in Subpart C, only upon specific determinations	*	261.10(a)					
		261.10(a)(1)					
		261.10(a)(1)(i)&(ii)					
		261.10(a)(2)					
		261.10(a)(2)(i)&(ii)					

CRITERIA FOR LISTING HAZARDOUS WASTE

meets one of the following criteria	*	261.11(a)					
exhibits a Subpart C characteristic	*	261.11(a)(1)					
fatal to humans; specific toxicity levels; acute hazardous waste	*	261.11(a)(2)					
contains any Appendix VIII toxic constituent; factors the Administrator must assess; toxic hazardous waste	*,76	261.11(a)(3)					
	*	261.11(a)(3)(i)					
		261.11(a)(3)(ii)					
		261.11(a)(3)(iii)					
		261.11(a)(3)(iv)					
		261.11(a)(3)(v)					
		261.11(a)(3)(vi)					
		261.11(a)(3)(vii)					
		261.11(a)(3)(viii)					
		261.11(a)(3)(ix)					
		261.11(a)(3)(x)					
		261.11(a)(3)(xi)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
hazardous under the RCRA 1004(5) definition of hazardous waste	*	261.11(b)					
criteria for establishing exclusion limits	*	261.11(c)					

SUBPART C - CHARACTERISTICS OF HAZARDOUS WASTE

GENERAL

solid waste exhibiting characteristics of Subpart C	*	261.20(a)					
EPA hazardous waste number	*,34,78,83	261.20(b)					
sample obtained using Appendix I sampling methods	*	261.20(c)					

CHARACTERISTIC OF IGNITABILITY

liquid; flash point less than 60°C	I C	261.21(a)					
		261.21(a)(1)					
non-liquid; burns under standards temperature and pressure	I C	261.21(a)(2)					
ignitable compressed gas	I C	261.21(a)(3)					
oxidizer	I C	261.21(a)(4)					
EPA Number D001	I C,78	261.21(b)					

CHARACTERISTIC OF CORROSIVITY

a solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has either of the following properties	I C	261.22(a)					
aqueous; pH ≤ 2 or ≥ 12.5	I C,126	261.22(a)(1)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIVALENT	LESS STRINGENT	MORE STRINGENT	BROADER IN SCOPE
liquid; corrodes steel	I C,126	261.22(a)(2)					
EPA Number D002	I C,78	261.22(b)					

CHARACTERISTIC OF REACTIVITY

unstable; undergoes violent change	I C	261.23(a)					
		261.23(a)(1)					
reacts violently with water	I C	261.23(a)(2)					
potentially explosive	I C	261.23(a)(3)					
generates toxic gases	I C	261.23(a)(4)					
cyanide or sulfide bearing and can generate toxic gases	I C	261.23(a)(5)					
detonation or explosion, if heated	I C	261.23(a)(6)					
detonation or explosion at STP	I C	261.23(a)(7)					
forbidden explosive	I C	261.23(a)(8)					
EPA Number D003	I C,78	261.23(b)					

26 TOXICITY CHARACTERISTIC

test criteria and waste list	I C,74,126	261.24(a)					
EPA Numbers as in Table 1	I C,74,78	261.24(b)					

SUBPART D - LISTS OF HAZARDOUS WASTES

GENERAL

hazardous if listed in this subpart; exclusions	I B	261.30(a)					
hazard codes	I B,74	261.30(b)					
EPA hazardous waste number	I B,34	261.30(c)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
261.31 or 261.32 listed wastes subject to 261.5 exclusion limits--F020, F021, F022, F023, F026 and F027	14	261.30(d)					

HAZARDOUS WASTES FROM NON-SPECIFIC SOURCES

27, 28		I B,4,13, 14,20,22, 69,†72, 78,81,82, 83,†89, †91,†120	261.31(a)				
list of "F" wastes							
†,29 removed--footnote 1 addressing administrative stay	91, 120,144	261.31(a)/table					

The correct list of "F" wastes to use for this consolidated base program checklist is the 261.31 table found in the July 1, 1996 CFR.

listing specific definitions	81	261.31(b)					
definition of oil/water/solids for the purposes of F037 and F038 listings	81	261.31(b)(1)					
for the purposes of F037 and F038, aggressive biological treatment units are defined as units which employ one of four specified treatment methods; specific requirements for high-rate aeration:	81	261.31(b)(2)(i)					
units employ a minimum of 6 hp per million gallons of treatment volume and either:	81	261.31(b)(2)(i)(A)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
the hydraulic retention time of the unit is no longer than 5 days	81	261.31(b)(2)(i)(B)					
the hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is hazardous waste by the Toxicity Characteristic	81	261.31(b)(2)(i)(C)					
generators and treatment, storage and disposal facilities must prove their sludges are exempt from listing as F037 and F038 wastes; maintenance of documents and data sufficient to prove that:	81	261.31(b)(2)(ii)					
unit is an aggressive biological treatment unit as defined in 261.31(b)(2)	81	261.31(b)(2)(ii)(A)					
sludges were actually generated in the aggressive biological treatment unit	81	261.31(b)(2)(ii)(B)					
sludges are considered to be generated at the moment of deposition in the unit for the purposes of the F037 listing; deposition defined	81	261.31(b)(3)(i)					
for the purposes of the F038 listing	81	261.31(b)(3)(ii)					
sludges are considered to be generated at the moment of deposition in the unit; deposition defined	81	261.31(b)(3)(ii)(A)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
floats are considered to be generated at the moment they are formed in the top of the unit	81	261.31(b)(3)(ii)(B)					

HAZARDOUS WASTES FROM SPECIFIC SOURCES

30

list of "K" wastes	I B,18,21, 26,33,53, 68,75, †88,110, 115,140, †159	261.32					
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The correct list of "K" wastes is located in the July 1, 1997 CFR, which includes the Revision Checklist 159 changes removing certain carbamate wastes K156, K157, K158, and K160 (insofar as they encompass 3-iodo-2-propynyl n-butylcarbamate), which were vacated on November 1, 1996 by the U.S. Court of Appeals for the District of Columbia . States choosing to list these vacated wastes should refer to 60 FR 7824, Revision Checklist 140 for guidance.

DISCARDED COMMERCIAL CHEMICAL PRODUCTS, OFF-SPECIFICATION SPECIES, CONTAINER RESIDUES, AND SPILL RESIDUES THEREOF

hazardous when discarded	I B,13, 17 J,37	261.33					
chemical product or intermediate	I B	261.33(a)					
off-specification product or chemical intermediate	I B	261.33(b)					
container/inner liner residues	I B,41,78	261.33(c)					
spill cleanup debris	I B	261.33(d)					
acute hazardous wastes	I B,7,29, 46,57, †86,134, 140	261.33(e)					

The correct list of "P" wastes to use for this consolidated base program checklist is the 261.33(e) table found in the July 1, 1996 CFR.

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
toxic wastes	I B,7,14, 18,22,23, 29,46,56, 140, †159	261.33(f)					

The correct list of "U" wastes is located in the July 1, 1997 CFR, which includes the Revision Checklist 159 changes removing certain carbamate wastes U277, U365, U366, U375, U376, U377, U378, U379, U381, U382, U383, U384, U385, U386, U390, U391, U392, U393, U396, U400, U401, U402, U403, and U407, which were vacated on November 1, 1996 by the U.S. Court of Appeals for the District of Columbia . States choosing to list these vacated wastes should refer to 60 FR 7824, Revision Checklist 140 for guidance.

DELETION OF CERTAIN HAZARDOUS WASTE CODES FOLLOWING EQUIPMENT CLEANING AND REPLACEMENT

wastes from wood preserving processes at plants that do not resume or initiate use of chlorophenolic preservatives will not meet the listing definition of F032 once the 261.35(b) and (c) requirements are met; wastes may continue to meet another hazardous waste listing description or exhibit one or more characteristics	82	261.35(a)					
generators must either clean or replace all specified process equipment that may have come into contact with chlorophenolic formulations or constituents in a manner which eliminates escape of hazardous waste or constituents, leachate, contaminated drippage or hazardous waste decomposition	82,92	261.35(b)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
generators shall do one of the following:	92	261.35(b)(1)					
prepare and follow an equipment cleaning plan; clean equipment in accordance with 261.35	92	261.35(b)(1)(i)					
prepare and follow an equipment replacement plan; replace equipment in accordance with 261.35	92	261.35(b)(1)(ii)					
document cleaning and replacement in accordance with 261.35, carried out after termination of use of chlorophenolic preservations	92	261.35(b)(1)(iii)					
cleaning requirements	82,92	261.35(b)(2)					
prepare and sign a written equipment cleaning plan that describes:	92	261.35(b)(2)(i)					
equipment to be cleaned	92	261.35(b)(2)(i)(A)					
how equipment will be cleaned	92	261.35(b)(2)(i)(B)					
solvent to be used in cleaning	92	261.35(b)(2)(i)(C)					
how solvent rinses will be tested	92	261.35(b)(2)(i)(D)					
how cleaning residues will be disposed	92	261.35(b)(2)(i)(E)					
equipment must be cleaned as follows:	92	261.35(b)(2)(ii)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
remove all visible residues from process equipment	92	261.35(b)(2)(ii)(A)					
rinse with appropriate solvent until no dioxin or dibenzofuran detection in final solvent rinse	92	261.35(b)(2)(ii)(B)					
analytical requirements	92	261.35(b)(2)(iii)					
test rinses as per SW-846, Method 8290	92	261.35(b)(2)(iii)(A)					
"not detected" defined	92	261.35(b)(2)(iii)(B)					
generator manages cleaning process residues as F032 waste	92	261.35(b)(2)(iv)					
replacement requirements	82,92	261.35(b)(3)					
prepare and sign written equipment replacement plan that describes:	92	261.35(b)(3)(i)					
equipment to be replaced	92	261.35(b)(3)(i)(A)					
how equipment will be replaced	92	261.35(b)(3)(i)(B)					
how equipment will be disposed	92	261.35(b)(3)(i)(C)					
generator must manage discarded equipment as F032 waste	92	261.35(b)(3)(ii)					
documentation requirements	82,92	261.35(b)(4)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
document previous equipment cleaning and/or replacement performed in accordance with 261.35 and occurred after cessation of chlorophenolic preservative use	92	261.35(b)(4)(i)					
documentation that must be maintained as part of the facility's operating record:	82	261.35(c)					
name and address of the facility	82	261.35(c)(1)					
formulations previously used and the date on which their use ceased in each process at the plant	82	261.35(c)(2)					
formulations currently used in each process at the plant	82	261.35(c)(3)					
equipment cleaning or replacement plan	82	261.35(c)(4)					
name and address of any persons who conducted the cleaning and replacement	82	261.35(c)(5)					
dates on which cleaning and replacement were accomplished	82	261.35(c)(6)					
dates of sampling and testing	82	261.35(c)(7)					
description of sample handling and preparation techniques	82	261.35(c)(8)					

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE
description of the tests performed, the date, and the results of the tests	82	261.35(c)(9)					
name and model numbers of the instrument(s) used in performing the tests	82	261.35(c)(10)					
QA/QC documentation	82	261.35(c)(11)					
signed certification statement	82	261.35(c)(12)					

APPENDIX I TO PART 261

REPRESENTATIVE SAMPLING METHODS

list of sampling protocols to be followed in collecting waste samples with various properties	*	Appendix I					
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APPENDIX II TO PART 261

31 METHOD 1311 TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)

note referencing the TCLP in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods"	*,74, †119,126	Appendix II					
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APPENDIX III TO PART 261

32 CHEMICAL ANALYSIS TEST METHODS

note referencing Chapter 2 of "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods"	*,14,18, 21,22,33, 67,68,73, 75,82,126	Appendix III					
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CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

FEDERAL REQUIREMENTS	CHECKLIST REFERENCE	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
				EQUIV- ALENT	LESS STRIN- GENT	MORE STRIN- GENT	BROADER IN SCOPE

APPENDIX VII TO PART 261

BASIS FOR LISTING HAZARDOUS WASTE

table of EPA hazardous waste numbers and the hazardous constituents for which each is listed	*,4,14,18, 21,22,33, 53,68,69, 75,78,81, 82,110, 115,140, †159	Appendix VII					
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The correct list of "K" wastes is located in the July 1, 1997 CFR, which includes the Revision Checklist 159 changes removing certain carbamate wastes K156, K157, K158, and K160 (insofar as they encompass 3-iodo-2-propynyl n-butylcarbamate), which were vacated on November 1, 1996 by the U.S. Court of Appeals for the District of Columbia . States choosing to list these vacated wastes should refer to 60 FR 7824, Revision Checklist 140 for guidance.

APPENDIX VIII TO PART 261

HAZARDOUS CONSTITUENTS

table listing common names, chemical abstracts names, chemical abstracts numbers, and EPA hazardous waste numbers for all hazardous constituents	*,4,14,18, 22,29,46, 56,57,69, 82,†86, 128, 134,140, †159	Appendix VIII					
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The correct list of "U" wastes is located in the July 1, 1997 CFR, which includes the Revision Checklist 159 changes removing certain carbamate wastes U277, U365, U366, U375, U376, U377, U378, U379, U381, U382, U383, U384, U385, U386, U390, U391, U392, U393, U396, U400, U401, U402, U403, and U407, which were vacated on November 1, 1996 by the U.S. Court of Appeals for the District of Columbia . States choosing to list these vacated wastes should refer to 60 FR 7824, Revision Checklist 140 for guidance.

APPENDIX X TO PART 261

METHOD OF ANALYSIS FOR CHLORINATED DIBENZO-P-DIOXINS AND -DIBENZOFURANS

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Paragraph 261.2(a)-(e) originally appeared on Base Program Checklist I A, but Revision Checklist 13 completely superseded the original code.

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

- 2 Revision Checklist 85 (February 21, 1991; 56 FR 7134) redesignated the old paragraph (d)(2) as (d)(3) and introduced a new paragraph (d)(2) into the code. Revision Checklist 94 (July 17, 1991; 56 FR 32688) made technical corrections to the February 21, 1991 amendatory language for 261.2 to include the redesignation of paragraph (d)(3) as (d)(4) and paragraph (d)(4) as (d)(5). This change to the February 21, 1991 rule was incorrect because the Federal code did not include 261.2(d)(3) or 261.2(d)(4). The technical correction addressed by Revision Checklist 96 (August 27, 1991; 56 FR 42504) fixed this error by revising the amendatory language of the February 21, 1991 rule to read as it had originally.
- 3 This paragraph was introduced by Revision Checklist 13 as 261.2(d)(2). Revision Checklist 85 inserted a new 261.2(d)(2) and redesignated the old 261.2(d)(2) as 261.2(d)(3).
- 4 Revision Checklist 117 A addresses the reissuance of the "mixture" and "derived-from" rules at 261.3, as promulgated on March 3, 1992 (57 FR 7628), and amended on June 1, 1992 (57 FR 23062) and on October 30, 1992 (57 FR 49278). The "mixture" and "derived-from" rules were reissued because the U.S. Court of Appeals for the District of Columbia Circuit in Shell Oil Co. v. EPA, 950 F.2d 741 (D.C. Cir. 1991), determined that adequate notice and comment had not been provided at initial promulgation of the "mixture" and "derived-from" rules, remanded them to the Agency, and suggested EPA reinstate the rules on an interim basis and solicit comment. The March 3, 1992 interim final rule simultaneously removed and reissued 40 CFR 261.3. The June 1, 1992 rule makes several technical corrections to the March 3, 1992 final rule; the October 30, 1992 (57 FR 49278) final rule removed the April 28, 1993 expiration date of the March 3, 1992 (57 FR 7628) interim final rule. The June 1, 1992 corrections for specific citations are not documented as endnotes in this consolidated checklist. Rather, States should refer to Revision Checklist 117 A for comments addressing these errors. Revision Checklist 117 A consolidates the three rules, except for a change made to 261.3(a)(2)(i) by the June 1, 1992 rule. That change is addressed by Revision Checklist 117 B which corrects an omission made by the Toxicity Characteristic rule by replacing "Extraction Procedure Toxicity Characteristic" with "Toxicity Characteristic". The Revision Checklist 117 B change makes the code more stringent and is, therefore, required. Revision Checklist 117 A is optional because, taken as a whole, it does not make any changes to the code.
- 5 The July 17, 1991 Federal Register (56 FR 32688; Revision Checklist 94) designated this paragraph as "261.3(c)(2)(ii)(8)." This is a typographical error; the correct paragraph designation is "261.3(c)(2)(ii)(B)." This error was ultimately corrected by Revision Checklist 96 (56 FR 42512; August 27, 1991).
- 6 The internal reference to "§261.6(a)(3)(iv) through (vi)", as affected by Revision Checklist 135, is incorrect in the July 1, 1997, CFR. The reference should be "§261.6(a)(3)(iii) through (v)" to correctly correspond to the deletion of subparagraphs in 261.6(a)(3) by Revision Checklists 112, 135, and 142B. Not all of these checklists made the corresponding changes to the internal reference at 261.3(c)(3)(ii)(B); therefore, this internal reference has remained incorrect in the CFR since July 1, 1993.
- 7 The original paragraph 261.3(c)(2)(ii)(C) was introduced by Revision Checklist 95 (56 FR 41164; August 19, 1991). Revision Checklist 109 (57 FR 37194; August 18, 1992) split the old 261.3(c)(2)(ii)(C) into two subparagraphs, (C)(1)&(2) and completely revised the text.
- 8 The March 3, 1992 Federal Register (57 FR 7628, Revision Checklist 117 A) added 261.3(e) (the "sunset provision") to the code. The October 30, 1992 Federal Register (57 FR 49278, Revision Checklist 117 A) removed this subparagraph but did not specifically reserve it. However, in the interim, the August 18, 1992 Federal Register (57 FR 37194, Revision Checklist 109) added 261.3(f), (f)(1) & (f)(2). Thus 261.3(e) must

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

be reserved in order for the numbering to be consistent.

- 9 261.4(a)(9)(i) was originally entered into the Federal code as 261.4(a)(9) by Revision Checklist 82. Revision Checklist 92 redesignated 261.4(a)(9) as 261.4(a)(9)(i) and added a new paragraph 261.4(a)(9)(ii).
- 10 Since the 1993 CFR, an error continues as created in the Federal Register article addressed by Revision Checklist 108 at 57 FR 30658. "Specific waste" should read "Specific wastes" as found in the 1991 and 1992 CFRs.
- 11 The list of excluded wastes from the processing of ores and minerals, currently represented by 261.4(b)(7)(i)-(xx) as per Revision Checklist 71, has undergone extensive formatting changes over time. Checklist 53 addressed a fairly short list of wastes numbered 261.4(b)(7)(i)-(vi). Revision Checklist 65 made significant changes in that 261.4(b)(7)(i)(A)-(E) represented five wastes retained under the exclusion, and 261.4(b)(7)(ii)(A)-(T) represented twenty wastes conditionally retained under the exclusion. Citations numbered (b)(7)(iii)-(vi) were omitted at that point in time. Finally, Revision Checklist 71 resulted in a list of 20 wastes retained under the exclusion, numbered 261.4(b)(7)(i)-(xx). Therefore, the references to Checklists 53 and 65 in Column 2 are relevant only insofar as the numbering format of the Federal RCRA citations are concerned, as opposed to the text of the citations. Many of the wastes addressed by Revision Checklist 65 under paragraphs (i) and (ii) are addressed in paragraphs (i)-(xx) in Revision Checklist 71.
- 12 The October 5, 1990 interim final rule extended the compliance date to January 25, 1991 (see 55 FR 40834). The compliance date was further extended to March 25, 1991 by the February 1, 1991 interim final rule (see 56 FR 3978) and then to January 25, 1993 by the April 2, 1991 final rule (see 56 FR 13406).
- 13 A copy of the agreement should be sent to the U.S. Environmental Protection Agency, Office of Solid Waste, Characterization and Assessment Division, Waste Identification Branch, Characteristics Section (OS-333); thus, the reference to the Characteristics Section found at 261.4(b)(11)(ii) should remain in a state's code. A copy of the written agreement may also be sent to the State, if the State chooses to include this requirement.
- 14 This paragraph and its subparagraphs were introduced into the code as 261.4(b)(15) and 261.4(b)(15)(i)-(iv) by Revision Checklist 104 (57 FR 21524; May 20, 1992) even though 261.4(b)(13) and (14) had not yet been promulgated. To correct this error, 261.4(b)(15) and 261.4(b)(15)(i)-(iv) were redesignated as 261.4(b)(13) and (13)(i)-(iv) by Revision Checklist 122.
- 15 261.4(e)(3) was originally introduced to the Federal code by Revision Checklist 49 (53 FR 27290; July 19, 1988), and completely revised by Revision Checklist 129 (59 FR 8362; February 18, 1994). A new subparagraph 261.4(e)(3)(i) was added, and the last portions of the old 261.4(e)(3) were revised and restructured by designating them as new subparagraphs (e)(3)(ii) and (e)(3)(iii). The original subparagraphs were also redesignated: the old 261.4(e)(3)(i)-(v) were redesignated as 261.4(e)(3)(iii)(A)-(E), respectively.
- 16 There is a typographical error in the Federal Register addressed by Revision Checklist 129 (59 FR 8362; February 18, 1994): "treatability" should be "treatability". This error has been corrected in the, CFR.
- 17 There appears to be a typographical error in the Federal Register for Revision Checklist 129 (59 FR 8362; February 18, 1994); the comma at the end of 261.4(e)(3)(iii)(A) should likely be a semi-colon as the other 261.4(e)(3)(iii) subparagraphs (i.e., 261.4(e)(iii)(B)-(D)) end with a semi-colon. The error has been corrected in the CFR.

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

- 18 Subparagraph 261.4(f)(4)(i) was originally added to the Federal code by the July 19, 1988 Federal Register (53 FR 27290, Revision Checklist 49), and then removed by the February 18, 1994 Federal Register (59 FR 8362, Revision Checklist 129).
- 19 261.4(f)(4)(ii) was originally added to the Federal code by Revision Checklist 49 (53 FR 27290; July 19, 1988). Revision Checklist 129 (59 FR 8362; February 18, 1994) moved the text of 261.4(f)(4)(ii) to 261.4(f)(4).
- 20 The rule for Revision Checklist 142 A (60 FR 25492; May 11, 1995) included but did not change the wording of 261.5(f)(3) intro, 261.5(f)(3)(i)-(v), 261.5(f)(3)(v)(A), 261.5(g)(3) intro, 261.5(g)(3)(i)-(v), and 261.5(g)(3)(v)(A).
- 21 The rule for Revision Checklist 153 (61 FR 34252; July 1, 1996) included but did not change 261.5(f)(3) intro, 261.5(f)(3)(i)-(iii), 261.5(g)(3) intro, and 261.5(g)(3)(i)-(iii). The rule added a new 261.5(f)(3)(v) and redesignated 261.5(f)(3)(v)&(vi) as 261.5(f)(3)(vi)&(vii). The rule added a new 261.5(g)(3)(v) and redesignated 261.5(g)(3)(v)&(vi) as 261.5(g)(3)(vi)&(vii).
- 22 261.6(a)(2)(iii)-(v) were introduced to the code by Revision Checklist 13. Revision Checklists 17 J and 19 subsequently amended 261.6(a)(2)(iii). Revision Checklist 112 removed the original 261.6(a)(2)(iii) and redesignated 261.6(a)(2)(iv) and (v) as 261.6(a)(2)(iii) and 261.6(a)(2)(iv).
- 23 Revision Checklist 13 introduced text at 261.6(a)(3) and (a)(3)(i)-(vii). Revision Checklist 19 subsequently revised (a)(3)(vii) and added text at (a)(3)(viii)(A)-(C) and (a)(3)(ix). Revision Revision Checklist 85 removed the text at (a)(3)(vii) and redesignated the text at (a)(3)(viii) and (ix) as (a)(3)(vii) and (viii). Revision Checklist 112 removed the text at (a)(3)(iii) and redesignated (a)(3)(iv)-(vi) as (a)(3)(iii)-(v). It also redesignated the text at (a)(3)(vii) and (viii), originally (a)(3)(viii) and (ix), as (a)(3)(vi) and (vii). Revision Checklist 135 revised paragraph (a)(3)(iv), originally (a)(3)(v). It also removed the text at (a)(3)(v) and redesignated (a)(3)(vi) and (vii), originally (a)(3)(viii) and (ix), as (a)(3)(v) and (vi). It then revised the text at (a)(3)(vi). Revision Checklist 142B removed the text at (a)(3)(ii) and redesignated (a)(3)(iii) and (iv), originally (a)(3)(iv) and (v), as (a)(3)(ii) and (iii). It also redesignated (a)(3)(v) and (vi), originally (a)(3)(viii) and (ix), as (a)(3)(iv) and (v).
- 24 States should adopt 261.9(a)-(c) as appropriate to reflect the universal wastes adopted. See the Federal rule for Revision Checklists 142 A through 142 D (60 FR 25492; May 11, 1995).
- 25 States do not have to include this subpart as long as they regulate all of the wastes that are listed by EPA or determined to be hazardous by the characteristics given in Subpart C of 40 CFR Part 261.
- 26 The title of this section was changed by Revision Checklist 74 from "CHARACTERISTIC OF EP TOXICITY" to "TOXICITY CHARACTERISTIC."
- 27 This paragraph was originally designated as 261.31. Revision Checklist 81 redesignated it as 261.31(a) and added a new paragraph 261.31(b).
- 28 For those States that did not adopt the June 13, 1991 administrative stay (56 FR 27332, Revision Checklist 91), the Revision Checklist 120 (57 FR 61492; December 24, 1992) changes to these listings represent a narrowing of the F032, F034 and F035 listings. Thus, the Revision Checklist 120 changes are optional for States not adopting the Revision Checklist 91 administrative stay. Those States that adopted the Revision

CONSOLIDATED CHECKLIST C2
40 CFR Part 261 as of June 30, 1997 (cont'd)

Checklist 91 administrative stay should remove the wording added by the stay and replace the wording with that shown in the December 24, 1992 rule and presented in Revision Checklist 120.

- 29 Revision Checklist 120 (December 24, 1992; 57 FR 61492) removed footnote 1, but this change was not included in the July 1, 1993 CFR as it should have been. The error was carried over into the July 1, 1994 CFR. Revision Checklist 144 (June 30, 1995; 60 FR 33912) removed the footnote again, to correct the CFR error.
- 30 In the October 15, 1992 Federal Register (57 FR 47376, Revision Checklist 115), in the hazardous waste description for K149, there is a comma after "groups" rather than the correct period, and there appears to be an extra period after "chloride.>". States are advised to use a period after "groups" and omit the period after the closing parenthesis, as shown on Revision Checklist 115.
- 31 Revision Checklist 74 replaced the EP toxicity test procedures in this appendix with the toxicity characteristic leaching procedures. Revision Checklist 126 (58 FR 46040; August 31, 1993) replaced the procedures in Appendix II with a note referencing the version of the TCLP incorporated by reference in § 260.11.
- 32 Revision Checklist 126 (58 FR 46040; August 31, 1993) replaced the chemical analysis procedures outlined in Appendix III with a note referencing the version of the appropriate analytical procedures incorporated by reference in § 260.11.
- 33 Appendix X was added to the Federal code by the January 14, 1985 Federal Register (50 FR 1978; Revision Checklist 14), and then removed by the August 31, 1993 Federal Register (58 FR 46040; Revision Checklist 126).